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5 Pro Se

6 UNITED STATES DISTRICT COURT

7 NORTHERN DISTRICT OF CALIFORNIA

8  
9 James C. Pistorino, Case No.: \_\_\_\_\_  
10 Plaintiff,  
11 vs. COMPLAINT  
12 U.S. DEPARTMENT OF HEALTH AND ADMINISTRATIVE PROCEDURE  
13 HUMAN SERVICES, ACT CASE  
14 Defendant

15 1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552,  
16 for injunctive relief and other appropriate relief seeking the disclosure of and release of agency  
17 records improperly withheld from Plaintiff by Defendant.

18 I. JURISDICTION AND VENUE

20 2. This Court has subject matter jurisdiction over this action and the parties pursuant  
21 to 5 U.S.C. § 552(a)(4)(B). Venue in this Court is proper pursuant to 5 U.S.C. § 552(a)(4)(B).

22 II. PARTIES

23 3. Plaintiff James Pistorino is a natural person and a resident of Menlo Park,  
24 California.

26 4. Defendant U.S. Department of Health and Human Services is an agency of the  
27 United States government with its principal offices in Washington, D.C.

### III. INTRADISTRICT ASSIGNMENT

5. Mr. Pistorino is a resident of San Mateo County, California. Pursuant to L.R. 3-22(d) and 3-2(c), it is believed that assignment to either the San Francisco or Oakland division would be appropriate.

#### IV. FACTUAL BACKGROUND

6. On March 12, 2024, Plaintiff served a FOIA request on Defendant seeking two categories of documents: 1) contracts entered into by Defendant with numerous entities affiliated with UnitedHealthcare and listed on a website operated by the Secretary; and 2) information related to Common Procedure Terminology (CPT) codes that have been approved for coverage, conditionally approved for coverage, disproved for coverage, as well as documents reflecting how, if at all, these codes were transmitted or made available to the UnitedHealthcare entities.

See Exhibit A.

7. On March 13, 2024, the Department responded with a form letter acknowledging receipt of the request, which did not indicate whether the documents would be produced or provide an estimate when.

8. On April 18, 2024 (i.e., 26 working days after the request was served), Plaintiff sent a request for a statutes update, to which the Department responded on April 19 stating the FOIA request was “pending.” Again, no indication of whether the documents would be produced or when.

9. Finally, on May 16, 2024 (*i.e.*, 46 working days after the request was served), the Secretary responded with a claim that there were no records responsive to Plaintiff's request, including the contracts the Secretary himself identified.

10. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i) and (B)(1-ii), the Department was required to determine within 20 working days (or in unusual circumstances 30 working days) whether it was going to comply with the request and notify Plaintiff.

11. As of the filing of this Complaint, more than 45 working days have passed since the FOIA request was served and, pursuant to 5 U.S.C. § 552(a)(6)(C)(i), the Department's failure to abide by the deadlines set forth in the statute constitutes exhaustion of Plaintiff's administrative remedies.

**WHEREFORE**, Plaintiff prays that this Court:

A) Order the Department to disclose the requested records in their entirety and make copies available to Plaintiff;

B) Award Plaintiff its costs and reasonable attorney's fees incurred in this matter;

and

C) Grant such other and further relief (including nominal damages) as the Court may deem just and proper.

Dated this 22th day of May, 2024.



James Pistorino

March 12, 2024

James Pistorino  
224 Lexington Dr.  
Menlo Park, CA 94025  
(650) 400-0043

***Re: Freedom of Information Act Request***

Dear Sirs:

Pursuant to 5 U.S.C. § 551, et seq., (i.e., the Freedom of Information Act), I respectfully request copies of records identified below:

**Request #1:**

Copies of each contract identified in Attachment A, including any exhibits or attachments thereto, and any addenda executed since the contract was first entered into.

**Request #2:**

Starting in calendar year 2018 through the present, documents reflecting each Common Procedure Terminology (CPT) code approved for coverage.

**Request #3:**

Starting in calendar year 2018 through the present, documents reflecting each Common Procedure Terminology (CPT) code disproved for coverage.

**Request #4:**

Starting in calendar year 2018 through the present, documents reflecting each Common Procedure Terminology (CPT) code conditionally approved for coverage (along with an identification of what those conditions are/were).

**Request #5:**

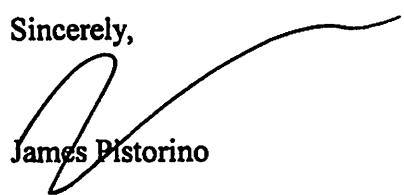
Documents reflecting any policy, practice, or procedure for transmitting or otherwise making available the information responsive to Request Nos. 2-4, to any of the entities identified in Attachment A.

March 12, 2024

Page 2

I will pay for the cost of responding to this request being made under the Freedom of Information Act, but please contact me for further authorization if the fees associated with responding to this request exceed \$5,000. Please do not hesitate to contact me at (650) 400-0043 or james.pistorino@gmail.com if you have any questions regarding compliance with any request.

Sincerely,

A handwritten signature in black ink, appearing to read "James Pistorino".

James Pistorino

Legal Entity Name	Organization Marketing Name	Contract Number	Contract Effective Date	Parent Organization	CMS Region Responsible
ARIZONA PHYSICIANS IPA, INC.	UnitedHealthcare	H0321	09/01/2005	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	R3444	01/01/2007	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H2577	01/01/2020	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H0710	07/01/2004	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H5435	09/01/2005	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H1278	01/01/2019	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H3418	01/01/2020	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H8211	01/01/2018	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H5008	07/01/2005	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H0755	12/01/1996	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H1537	01/01/2012	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	R7444	01/01/2009	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H1889	01/01/2020	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	R2604	01/01/2020	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H2292	01/01/2019	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	R0759	01/01/2020	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	R5329	01/01/2017	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H8768	01/01/2018	UnitedHealth Group, Inc.	San Francisco

CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H0271	01/01/2019	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H7404	01/01/2019	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H3256	01/01/2021	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	R5342	01/01/2006	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H2406	08/01/2001	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	R6801	01/01/2007	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H1659	01/01/2011	UnitedHealth Group, Inc.	San Francisco
CARE IMPROVEMENT PLUS SOUTH CENTRAL INSURANCE CO.	UnitedHealthcare	H5322	01/01/2014	UnitedHealth Group, Inc.	San Francisco
KS PLAN ADMINISTRATORS, LLC	KelseyCare Advantage	H0332	01/01/2008	UnitedHealth Group, Inc.	San Francisco
OXFORD HEALTH PLANS (NJ), INC.	UnitedHealthcare	H3113	07/01/2005	UnitedHealth Group, Inc.	San Francisco
OXFORD HEALTH PLANS (NY), INC.	UnitedHealthcare	H3307	10/01/1991	UnitedHealth Group, Inc.	San Francisco
PEOPLES HEALTH, INC.	Peoples Health	H4544	01/01/2021	UnitedHealth Group, Inc.	San Francisco
PEOPLES HEALTH, INC.	Peoples Health	H1861	07/01/1997	UnitedHealth Group, Inc.	San Francisco
PHYSICIANS HEALTH CHOICE OF TEXAS, LLC	UnitedHealthcare	H4527	08/01/2005	UnitedHealth Group, Inc.	San Francisco
PREFERRED CARE PARTNERS, INC.	UnitedHealthcare	H1045	08/01/2002	UnitedHealth Group, Inc.	San Francisco
Preferred Care Network, Inc.	UnitedHealthcare	H5420	06/01/2005	UnitedHealth Group, Inc.	San Francisco
ROCKY MOUNTAIN HEALTH MAINTENANCE ORGANIZATION INC	UnitedHealthcare	H2582	01/01/2020	UnitedHealth Group, Inc.	San Francisco
SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC.	UnitedHealthcare	H2001	08/01/2005	UnitedHealth Group, Inc.	San Francisco
SIERRA HEALTH AND LIFE INSURANCE COMPANY, INC.	UnitedHealthcare	H5652	09/01/2005	UnitedHealth Group, Inc.	San Francisco
UHC OF CALIFORNIA	UnitedHealthcare	H0543	06/01/1985	UnitedHealth Group, Inc.	San Francisco

UNITEDHEALTHCARE COMMUNITY PLAN OF OHIO, INC.	UnitedHealthcare Community Plan	H2531	05/01/2014	UnitedHealth Group, Inc.	Chicago
UNITEDHEALTHCARE COMMUNITY PLAN OF TEXAS, L.L.C.	UnitedHealthcare	H4514	08/01/2002	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE COMMUNITY PLAN OF TEXAS, L.L.C.	UnitedHealthcare	H7833	03/01/2015	UnitedHealth Group, Inc.	Dallas
UNITEDHEALTHCARE COMMUNITY PLAN, INC.	UnitedHealthcare	H2247	01/01/2018	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE INSURANCE COMPANY	UnitedHealthcare	R3175	01/01/2006	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE INSURANCE COMPANY	UnitedHealthcare	H9239	01/01/2022	UnitedHealth Group, Inc.	Boston
UNITEDHEALTHCARE INSURANCE COMPANY	UnitedHealthcare	H0294	01/01/2012	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE INSURANCE COMPANY	UnitedHealthcare	H2226	03/01/2004	UnitedHealth Group, Inc.	Boston
UNITEDHEALTHCARE OF FLORIDA, INC.	UnitedHealthcare	H2509	01/01/2023	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF ILLINOIS, INC.	UnitedHealthcare	H7778	01/01/2023	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF ILLINOIS, INC.	UnitedHealthcare	H0845	01/01/2024	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF NEW ENGLAND, INC.	UnitedHealthcare	H2272	01/01/2023	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF NEW ENGLAND, INC.	UnitedHealthcare	H0764	01/01/2023	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF NEW MEXICO, INC.	UnitedHealthcare	H6526	01/01/2018	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF NEW YORK, INC.	UnitedHealthcare	H3387	01/01/1999	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF NEW YORK, INC.	UnitedHealthcare	H3379	03/01/1997	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF THE MID-ATLANTIC, INC.	UnitedHealthcare	H7464	01/01/2018	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF THE MIDLANDS, INC.	UnitedHealthcare	H0432	01/01/2018	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF THE MIDLANDS, INC.	UnitedHealthcare	H2802	10/01/1985	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF THE ROCKIES, INC.	UnitedHealthcare	H4604	01/01/2005	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF WISCONSIN, INC.	UnitedHealthcare	H4094	01/01/2019	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF WISCONSIN, INC.	UnitedHealthcare	H3794	01/01/2014	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF WISCONSIN, INC.	UnitedHealthcare	H3749	01/01/1991	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF WISCONSIN, INC.	UnitedHealthcare	H6595	01/01/2019	UnitedHealth Group, Inc.	San Francisco

UNITEDHEALTHCARE OF WISCONSIN, INC.	UnitedHealthcare	H1944	01/01/2008	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF WISCONSIN, INC.	UnitedHealthcare	H5253	08/01/1995	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE OF WISCONSIN, INC.	UnitedHealthcare	H0169	01/01/2018	UnitedHealth Group, Inc.	San Francisco
UNITEDHEALTHCARE PLAN OF THE RIVER VALLEY, INC.	UnitedHealthcare	H0251	01/01/2007	UnitedHealth Group, Inc.	San Francisco
UnitedHealthcare Benefits of Texas, Inc.	UnitedHealthcare	H1360	01/01/2021	UnitedHealth Group, Inc.	San Francisco
UnitedHealthcare Benefits of Texas, Inc.	UnitedHealthcare	H0624	07/01/2005	UnitedHealth Group, Inc.	San Francisco
UnitedHealthcare Benefits of Texas, Inc.	UnitedHealthcare	H0609	07/01/1986	UnitedHealth Group, Inc.	San Francisco
UnitedHealthcare Benefits of Texas, Inc.	UnitedHealthcare	H3805	01/01/1986	UnitedHealth Group, Inc.	San Francisco
UnitedHealthcare Benefits of Texas, Inc.	UnitedHealthcare	H6706	01/01/2021	UnitedHealth Group, Inc.	San Francisco